



APPLICATION ACCEPTED: February 6, 2014
DATE OF PUBLIC HEARING: May 7, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 30, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-BR-006

BRADDOCK DISTRICT

APPLICANT: Thomas M. Lint

OWNERS: Thomas M. Lint and Maura K. Valis Lint

LOCATION: 5112 Red Fox Drive, Annandale 22003

SUBDIVISION: Red Fox Forest

TAX MAP: 69-4 ((6)) 8

LOT SIZE: 10,500 square feet

ZONING: R-3

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction in minimum yard requirements based on an error in building location to permit additions to remain 9.2 ft. and 6.3 ft. from side lot line and accessory storage structure to remain 0.8 ft. from rear lot line and 0.9 ft. from side lot line

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

O:\ehaley\5-7-14) SP 2014-BR-006 Lint (Error)\SP 2014-BR-006 Lint (Err) Staff Report.docx

Erin M. Haley

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

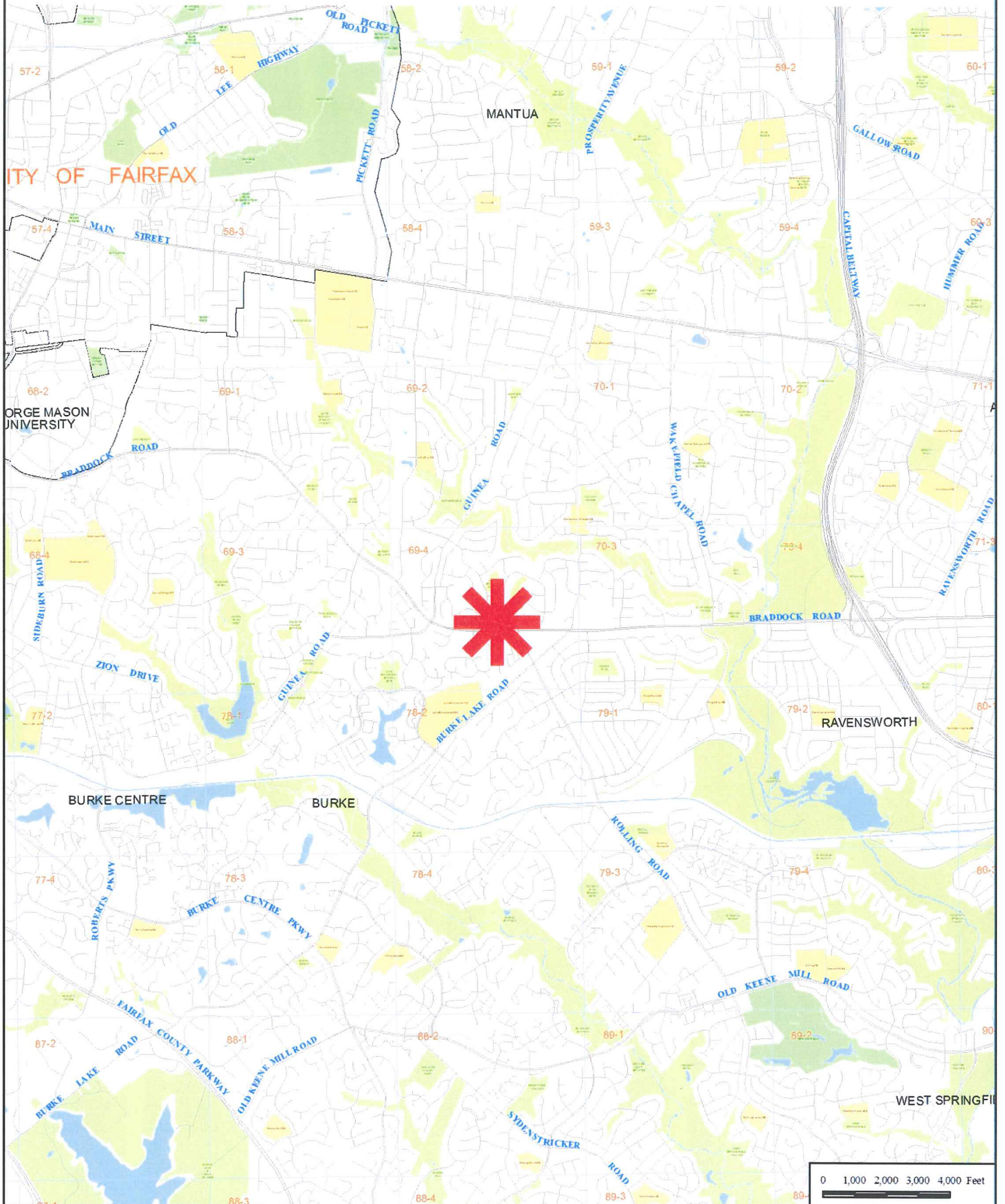


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-BR-006

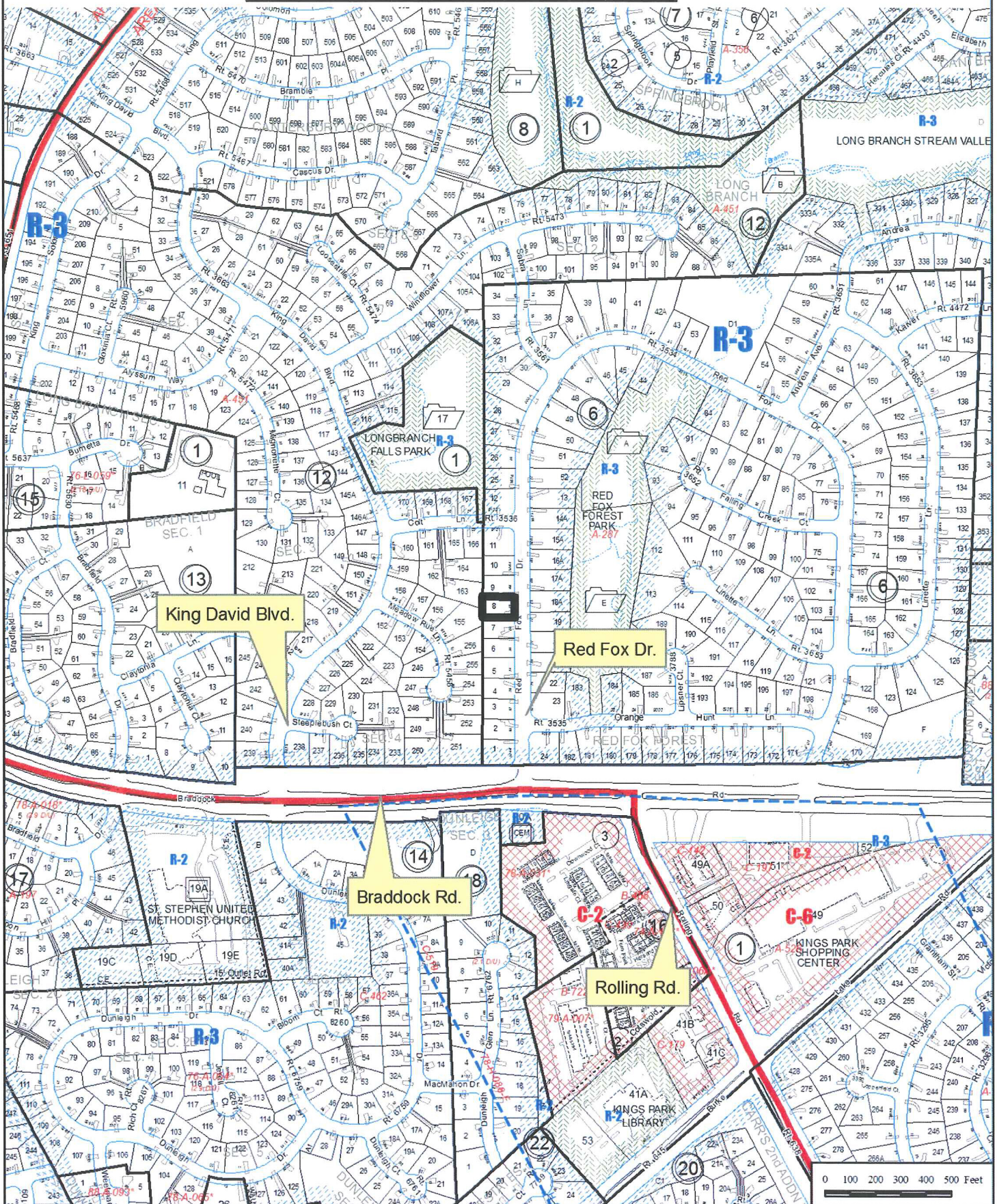
THOMAS M. LINT



Special Permit

SP 2014-BR-006

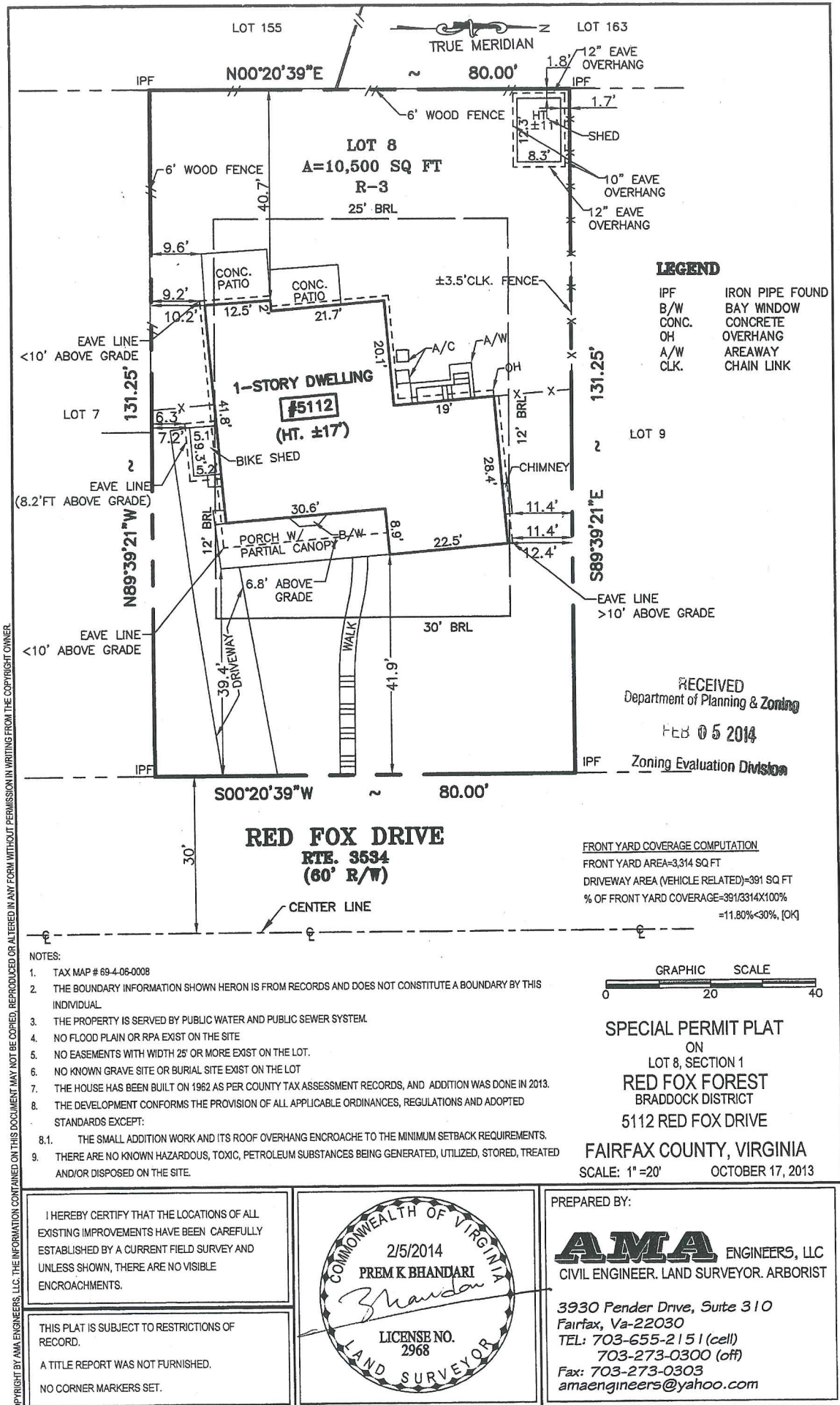
THOMAS M. LINT





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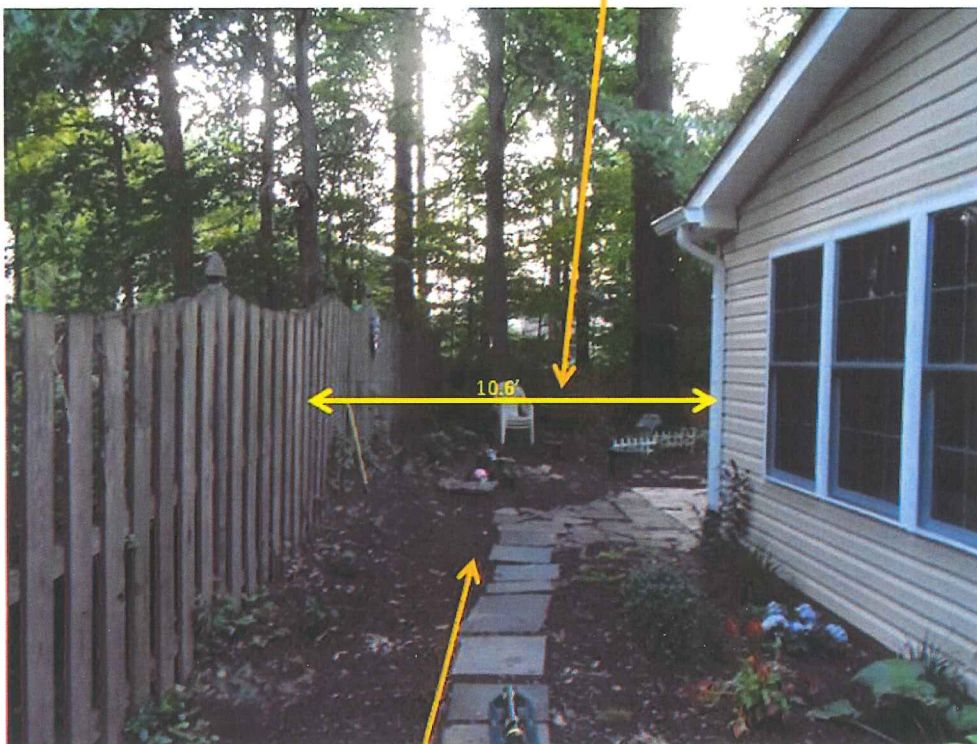
SHEET 1 OF 1





SIDE ENTRY FROM EAST SIDE

DISTANCE FROM PROPERTY LINE TO HOUSE



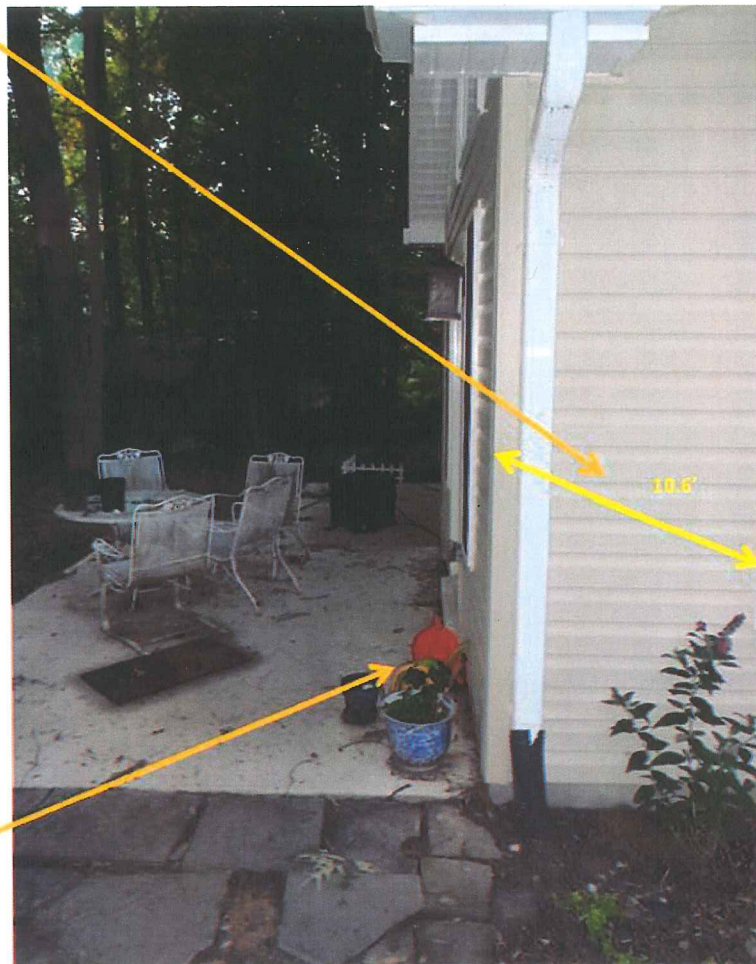
SIDE ENTRY FROM EAST SIDE

DISTANCE FROM PROPERTY LINE TO HOUSE



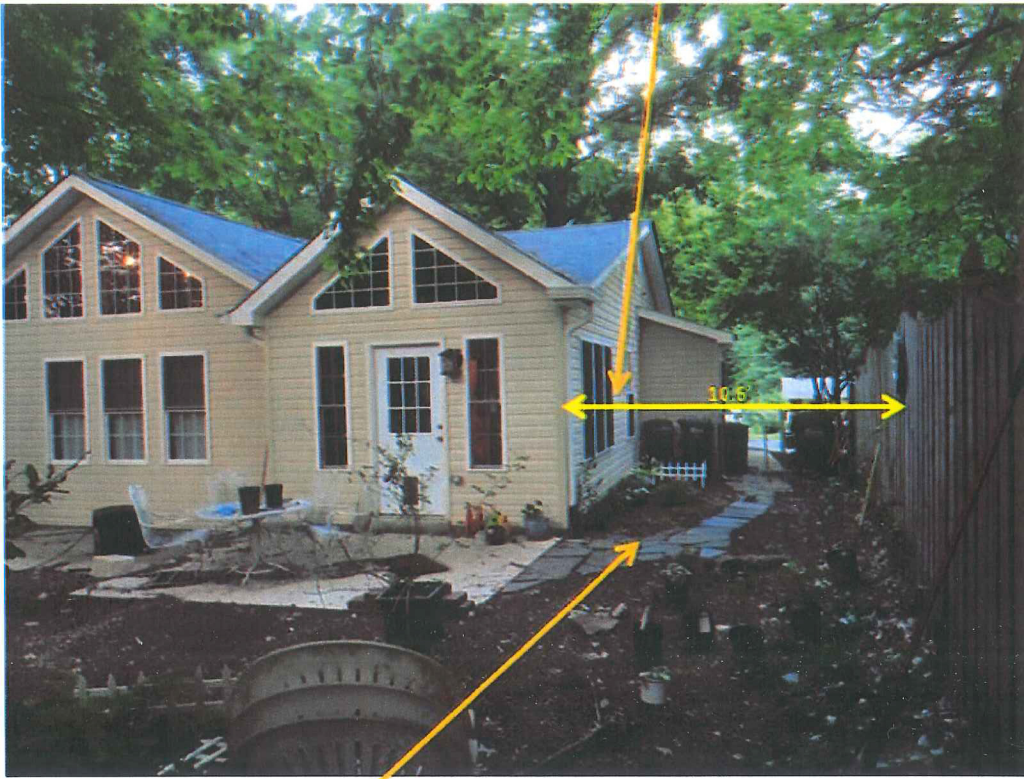
VIEW FROM NORTH SIDE OF REAR HOUSE

DISTANCE FROM PROPERTY LINE TO HOUSE



VIEW FROM SOUTH SIDE OF REAR HOUSE

DISTANCE FROM PROPERTY LINE TO HOUSE



VIEW FROM WEST SIDE OF REAR HOUSE



W-02



W-04



W-03



REAR-01



SW-01



SW-03



SW-02



SW-04



N-01



N-03



N-02



N-04



N-05



NW-02



NW-01



W-01



SW-05



SW-07



SW-06



SW-08



SE-01



SE-03



SE-02



SE-04



SE-05



E-01



SIDE-01



E-02



E-03



E-05



E-04



NE-01



NE-02



SIDE-02



EAST SIDE SHED



WEST SIDE SHED



SOUTH SIDE SHED



NORTH SIDE SHED



EAST SIDE NEIGHBOOR



NORTH SIDE NEIGHBOOR



SOUTH SIDE NEIGHBOOR



WEST SIDE NEIGHBOOR

DESCRIPTION OF THE APPLICATION

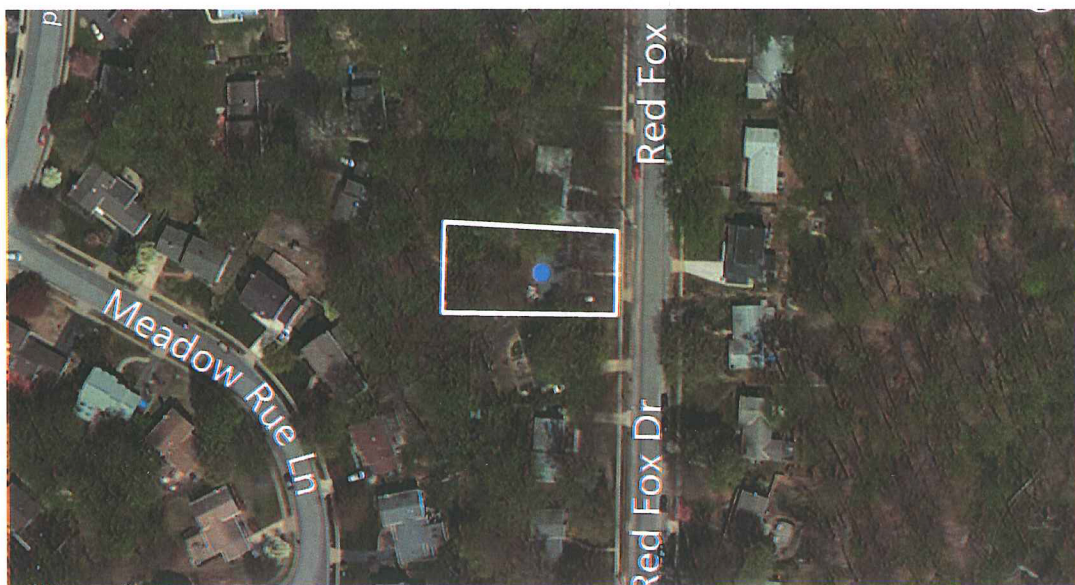
The applicant is requesting approval of a special permit to allow a reduction to minimum yard requirements based on an error in building location to permit additions to remain 9.2 feet and 6.3 feet from side lot line and an accessory storage structure to remain 0.8 feet from the rear lot line and 0.9 feet from a side lot line. The addition is to the rear and along the southern side of the dwelling. It extends the existing dining room, provides a new family room, new bathroom, a sun room, storage space, a bike shed, and two concrete patios. A minimum side yard of 12.0 feet is required; therefore reductions of 2.8 feet and 5.7 feet are requested.

A copy of the special permit plat depicting the structures on site, titled "Special Permit Plat on Lot 8, Section 1, Red Fox Forest," prepared by Prem K. Bhandari, Land Surveyor of AMA Engineers, LLC, dated October 17, 2013, as revised through February 5, 2014, is included at the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,500 square foot lot is developed with a split level wood and brick single family detached dwelling, constructed in 1962. A concrete driveway provides access to the property from Red Fox Drive. A porch with roof is located at the front of the dwelling. A concrete walkway and staircase leads from Red Fox Drive to the front door. A shed 11.0 feet in height and approximately 102 square feet in size is located in the northern rear yard. A wood fence 6.0 feet in height encloses the rear yard. The property has shrubs and mature trees and the topography slopes down towards Red Fox Drive.

The subject property is located to the north of Braddock Road and Rolling Road. As depicted in the picture below, the application property and surrounding properties are zoned R-3 and are developed with single family detached dwellings.



BACKGROUND

According to Fairfax County Tax Records the applicants purchased the property in May of 1996. According to testimony of the applicants, they hired a contractor and architect who used a plat obtained from the Fairfax County street file to design the addition. This plat was from the original construction of their dwelling, dated 1964. The design showed the addition meeting all setback requirements. Based on this design, a building permit was obtained, dated December 19, 2012. The building permit is included as Appendix 5. After construction was completed, a new survey was conducted as part of the setback certification process. The new plat showed the addition encroaching into the side yard. In the R-3 zone, a side yard of 12 feet is required and the addition is 9.2 feet and 6.3 feet from the southern side lot line.

After the applicant submitted their special permit application it was discovered that the location of the shed was also in violation of the Zoning Ordinance. In the R-3 zone, a side yard of 12 feet and a rear yard of 25 feet are required. The shed is located 0.9 feet from the northern side lot line and 0.8 feet from the rear lot line.

A copy of information outlining similar special permit and variance requests in the area is attached in Appendix 4.

ZONING ORDINANCE REQUIREMENTS

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

If it is the intent of the Board of Zoning Appeals to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit

3. Applicant's Statement of Justification
4. Similar Case History
5. Building permit, dated December 19, 2012
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-BR-006

April 30, 2014

1. This special permit is approved for the location of the addition and accessory storage structure (shed), as shown on the plat prepared titled, "Special Permit Plat on Lot 8, Section 1, Red Fox Forest," prepared by Prem K. Bhandari, Land Surveyor of AMA Engineers, LLC, dated October 17, 2013, as revised through February 5, 2014.
2. All applicable permits and final inspections shall be obtained for the addition.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six (6) months after the date of approval unless the structures have been issued permits and inspected as outlined above. The Board of Zoning Appeals may grant additional time if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): SP 2014-BR-006
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: JULY 24, 2013
 (enter date affidavit is notarized)

I, THOMAS M. LINT, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

121573

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS**, and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE**,** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
THOMAS M. LINT	5112 RED FOX DRIVE ANNANDALE, VA 22003	APPLICANT/TITLE OWNER
MAURA K. VALIS LINT	5112 RED FOX DRIVE ANNANDALE, VA 22003	APPLICANT/TITLE OWNER
RUSSELL RAMIREZ	6927 BARRETT ROAD FALLS CHURCH, VA 22042	AGENT
RRARCO, LLC	6927 BARRETT ROAD FALLS CHURCH, VA 22042	AGENT

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 21, 2013
(enter date affidavit is notarized)

121573

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

RRARCO, LLC
6927 BARRETT RD
FALLS CHURCH, VA 22042

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

RUSSELL RAMIREZ

RA

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 21, 2013
(enter date affidavit is notarized)

121573

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

N/A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

121573

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: JULY 21, 2013
(enter date affidavit is notarized)

121573

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Thomas M. Lint

☐ Applicant

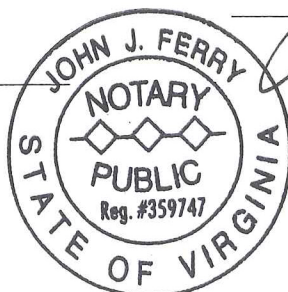
☐ Applicant's Authorized Agent

THOMAS M. LINT

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 21ST day of July, 2013, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 7/31/2013



John J. Ferry
Notary Public

#359747

TO BE SIGNED BY ALL TITLE OWNERS

OWNER CONSENT/AGENT AUTHORIZATION

To Whom It May Concern:

I/We, Thomas M. Lint and Maura K. Valis Lint, the undersigned title owners of the property identified below, do hereby authorize Russell Ramirez of RRARCO, LLC, to act as our Agent(s) in the furtherance of an application for a special permit on our property located at: 5112 Red Fox Drive, Annandale, VA 22003; Tax Map No. 069-4((6)) parcel 8.

Thank you in advance for your cooperation.

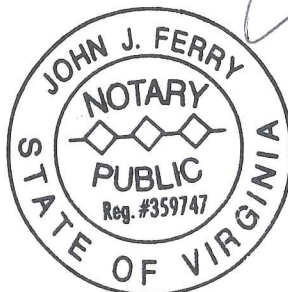
Date: July 21, 2013 By: Thomas M. Lint
Thomas M. Lint

COMMONWEALTH/STATE OF: VIRGINIA
CITY/COUNTY OF: FAIRFAX, TO WIT:

The foregoing instrument was acknowledged before me this 21ST day of JULY, 2013, by **Thomas M. Lint**.

John J. Ferry #359747
Notary Public (Signature)
Notary Registration No. 359747
My Commission Expires: 7/31/2013

AFFIX SEAL/STAMP



SIGNATURES CONTINUED ON NEXT PAGE, IF MORE THAN ONE TITLE OWNER

Date: 7/21/2013

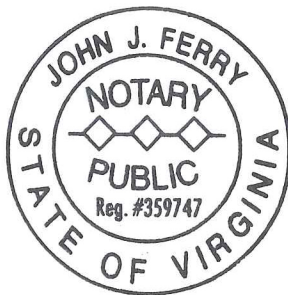
By: Maura K. Valis Lint
Maura K. Valis Lint

COMMONWEALTH/STATE OF: Virginia
CITY/COUNTY OF: Fairfax, TO WIT:

The foregoing instrument was acknowledged before me this 21st day of July,
2013, by **Maura K. Valis Lint**.

John J. Ferry #359747
Notary Public (Signature)
Notary Registration No. 359747
My Commission Expires: 7/31/2013

AFFIX SEAL/STAMP



JUN 20 2013

Zoning Evaluation Division

June 11, 2013

To: BZA Special Permit Approval

We are writing this letter to request a special permit for the following property: 5112 Red Fox Drive, Annandale, VA 22003. This is our residence, and we (Tom and Maura Lint) have lived here in Red Fox Forest for over 16 years, along with our three children (Brian, Duncan, and Maggie). We love our beautiful, tree-filled neighborhood, which has excellent schools and friendly neighbors, so we've never wanted to move, even though the house was a bit cramped as the children grew up. In recent years, Maura was diagnosed with lupus (causing joint pain, fatigue, and periodic mobility issues, among other things), and we considered how to give our home better accessibility for someone with mobility difficulties.

Using the original plat for our property (dated February 20, 1964), which was provided for us by the Fairfax County Zoning Department, we hired a fully licensed contractor (Ever Melendez) and architect (Russell Ramirez). Mr. Ramirez helped us design an addition for the home (including a bathroom, bedroom, entrance ramps, and increased wheelchair accessibility throughout the main living level). Mr. Ramirez also took the plans to the County for all proper approvals and permits.

The new rear addition, aligned with the existing house, was proposed to have a 12'-0" side setback from the south of the property line to the corner of the house. It also was approved to be extended out from the rear of the property by 22'-0". According to our original plat from Fairfax County, the setback was appropriate and met all regulations; the County approved our project upon an on-site inspection.

The addition was built, and completed on April 4, 2013. All along, our contractor scrupulously followed Fairfax County guidelines and building regulations. Regular inspections occurred; at one point, Mr. Melendez needed to increase the insulation in the roof. He immediately stopped further construction and remediated the problem the very next day. We were incredibly impressed with his attention to detail, his integrity, and the excellent workmanship by him and his crew. Mr. Melendez built our new addition exactly and specifically as per the County-approved blueprints.

All the construction was conducted and followed according to the old plat dimensions. When final construction ended, a survey was held to complete a setback certification based on field construction. The survey team of Balanced Land Surveying, PLLC, came out on April 20, 2013. Of course they used all the modern technology at their disposal, and (most horrifically, to our mind) the new plat indicated slightly different measurements than the original plat from 1964. The end result is that the south side corner of our new house is 10'6" from our newly-determined property line, as opposed to the originally surveyed 12'. Taking into consideration an allowable 10% margin of error, per County regulations, this meant that we were allowed an additional 14.4" of proximity to our property line. Unfortunately, the new plat measurements mean that the very corner of the new addition is 1.6" too close to the property line.

The construction was completed, and such an error was not intentional. We and our contractor realistically relied on the approved 1964 plat, assuming that the dimensions were right and everything was built accordingly. The difference of 1.6" is very small, and it would be highly unfortunate to have to tear down the walls in order to correct an unintentional error of such minimal magnitude. It would cause a great financial burden on us, and on our contractor (whose business is small—the sort of family-run, minority-owned business that is the lifeblood of our county and country). The stresses of having to demolish the lovely building and re-build would also be a health burden for Maura (lupus is an "invisible illness," but it causes her to miss a great deal of work due to fatigue, headaches, and joint pain) and for Duncan (our 15-year-old son, who has asthma and has struggled with his freshman year of high school due to mononucleosis). Our next-door neighbor also has a young, highly autistic son, for whom we believe the stress of re-construction would be detrimental. (Our initial construction was done during the winter months, when our young neighbor was less likely to be outside.)

We and our contractor are very sorry for this unintentional *de minimus* variance of County construction regulations, and we hereby request a special permit for a variance of said regulations.

Thank you for your time, and if there are any questions, please don't hesitate to contact us at the following numbers:

Russell Ramirez, Architect, Cell: 202.746.6488 Email: russram1@aol.com
Thomas Lint, Homeowner, Cell: 703-964-7915 Email: tom_lint@yahoo.com
Maura Valis Lint, Homeowner, Cell: 703-434-2398 Email: mkvl66@yahoo.com

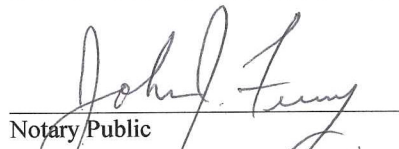
Hoping for a mutually agreed-upon and sane resolution to this predicament,


Thomas M. Lint and Maura Valis Lint

County of Fairfax
Commonwealth of Virginia

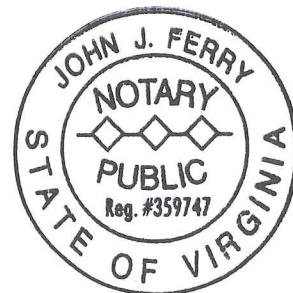
The foregoing instrument was subscribed and sworn before me this 11 day of June, 2013 by:

Thomas M. Lint and Maura K. Valis Lint


Notary Public

Notary registration number: #359747

My commission expires: July 31, 2013



September 18, 2013

RECEIVED
Department of Planning & Zoning
NOV 13 2013
Zoning Evaluation Division

Thomas M. Lint
5112 Red Fox Drive
Annandale, VA 22003

To Whom It May Concern:

This letter is in regards to a Special Permit application for recent construction to my house, located at 5112 Red Fox Drive, Annandale, VA. This letter is in addition to a previous notarized letter submitted in June 2013 as part of this application process. Please let us know if you need an additional copy of that letter.

I am detailing specific information that was deemed deficient in my previous letter, and will assign each item with the same item number in the Checklist Report.

Item 5.00: Written statement from the applicant describing proposed use, giving all pertinent data, including specifically:

The purpose of the additions to my property ^{is} are to increase interior space of my house, including adding a family room and sun room, and expanding the size of my dining room. In addition, we changed the floor plan of the main level to accommodate a new kitchen with an open floor plan. This property is a residence, and as such these renovations and additions are for personal purposes customary with a private residence.

Item 5.07: Description of building façade and architecture of proposed new building or additions.

The additions to my house are primarily to the back of my property, including a new family room, extension of my dining room, and a new sun room. These additions are of standard architecture, with a crawl space and block foundation, standard wood framework including wall and vaulted roof, insulation, and vinyl siding. The family room has a 15' vaulted ceiling, trapezoid windows in the back, and 4 double-hung windows below the trapezoid windows. This room also has a storage closet and a full bath with a shower. The sun room has a 12' vaulted ceiling, trapezoid windows in the back, a metal door with window, two small door "lights", and along the side wall three additional double-hung windows. On the back of the addition was installed two concrete patios.

Item 5.08: A listing, if known, of all hazardous or toxic substances as set forth in Title 40...

To the best of my knowledge there are no hazardous or toxic substances in site on my property. This is an addition to a residential property, with no commercial activity being engaged in either the interior or exterior. No toxic substances were installing in the addition, as this would have proven hazardous to the residents of the property, and to the best my knowledge no hazardous or toxic substances were disposed of on site before, during or after construction was completed. This includes petroleum products, known carcinogens, pcbs, etc.

Item 5.09: A statement that the proposed development conforms to the provisions of applicable ordinances:

The additions to my property, to the best of my knowledge, are in compliance with the ordinances, regulations and standards of Fairfax County, with the exception of the proximity of the southwest corner of the sun room portion of the addition to my property line. This corner's distance from my property line was given conditional approval by Fairfax County during the first inspection while the addition was under construction, which measured property lines and distances and reviewed the foundation before framework was to begin. This approval was made based on my original property plat, surveyed in 1964.

Upon completion of construction in April 2013 a new survey was made of the property and the addition, but instead of using the 1964 plat as from the first inspection, GPS measurements were used, which proved to vary from those of the original plat. Even allowing for a 14" margin of error (10% of the 12' distance requirement, equaling 14"), our addition's southwest corner was now too close to our property line (12' minus 1'-2" margin of error is 10'-0"; our survey had our new addition at 10' 7.2" from our property line. Because of this we are requesting variance from the current regulations regarding the distance from one's structure to their property line, down to the current distance of 10.6'.

Also, the roof eave line resulted to encroach 10.2' into the set back limit by 2.8' and it's less than 10' from the grade.

This request is based on several circumstances:

- 1) The original inspection survey and the final inspection survey used two different standards of measurement, which could easily account the discrepancy between the first and final surveys;

- 2) the affected portion of my property is located on the rear of my house, not clearly visible from the street nor from my neighbor on the south side of my property;
- 3) to mitigate a de minimum variance of this nature would require the partial demolition of the sun room addition, and cost the affected parties potentially thousands of dollars in labor, materials and time; and
- 4) if the original site inspection performed by Fairfax County had use the same GPS data as the final inspection, the issue regarding the distance from the addition to the property line could have been mitigated before primary construction had been completed, with minimal interference and cost.

I hope this letter adequately addresses the deficient items discussed in the letter sent to Russell Ramirez from August 02, 2013. Please let either Mr. Ramirez or myself know at your earliest convenience any further items you require.

Regards,



Thomas M. Lint



Maura K. Valis Lint

Similar Case History

ZAPS - SP - SP 94-B -007	Application Desc ...:	REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DECK TO REMAIN 0.52 FT. FROM SIDE LOT LINE (7 FT. MIN. SIDE YARD REQ.)	APPLICATION APPROVED
ZAPS - SP - SP 99-B -010	Application Desc ...:	REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DECK TO REMAIN 21.8 FT. FROM STREET LINE OF A CORNER LOT	APPLICATION APPROVED

Bldg Permit #: 123520130 RESIDENTIAL ADDITION

Address: 5112 Red Fox Dr Annandale VA 22003-4138

Bldg: N/A Floor: Suite: N/A

Subdiv: Red Fox Forest Lt 8 Sec 1

Sub Census: 407.02 Lot Size: 10,500.00

Tax Map: 0694 06 0008

Owner: Lint Thomas M

Phone Day: (703)434-2398 x

Evening:

Contractor:

OWNER IS CONTRACTOR
(999) 999-9999

Type of Work: ADDITIONAL STORIES

Description of Work: 1 story addition on crawl space/ / bike shed addition//extend front porch

Specific Description of Work:

1 Story Ground	1 Story Crawl	1 Story Bsmt Below	2 Story Ground	2 Story Crawl	2 Story Bsmt below	2nd Story Addn Over Exist Structure
Y	N	N	N	N	N	N

ZPRB Review:

Date

12/17/12

Status

ALANGH

Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-3	Y	SFD	N	N	N		Y

Yard/Setbacks:

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type
addition	0.00	0.00	0.00	12.00	0.00	42.00	addition 22x33	10.00	OTHER
front porch	40.00	0.00	0.00	0.00	0.00	0.00	front porch 4x30	9.00	OTHER

Dimensions:

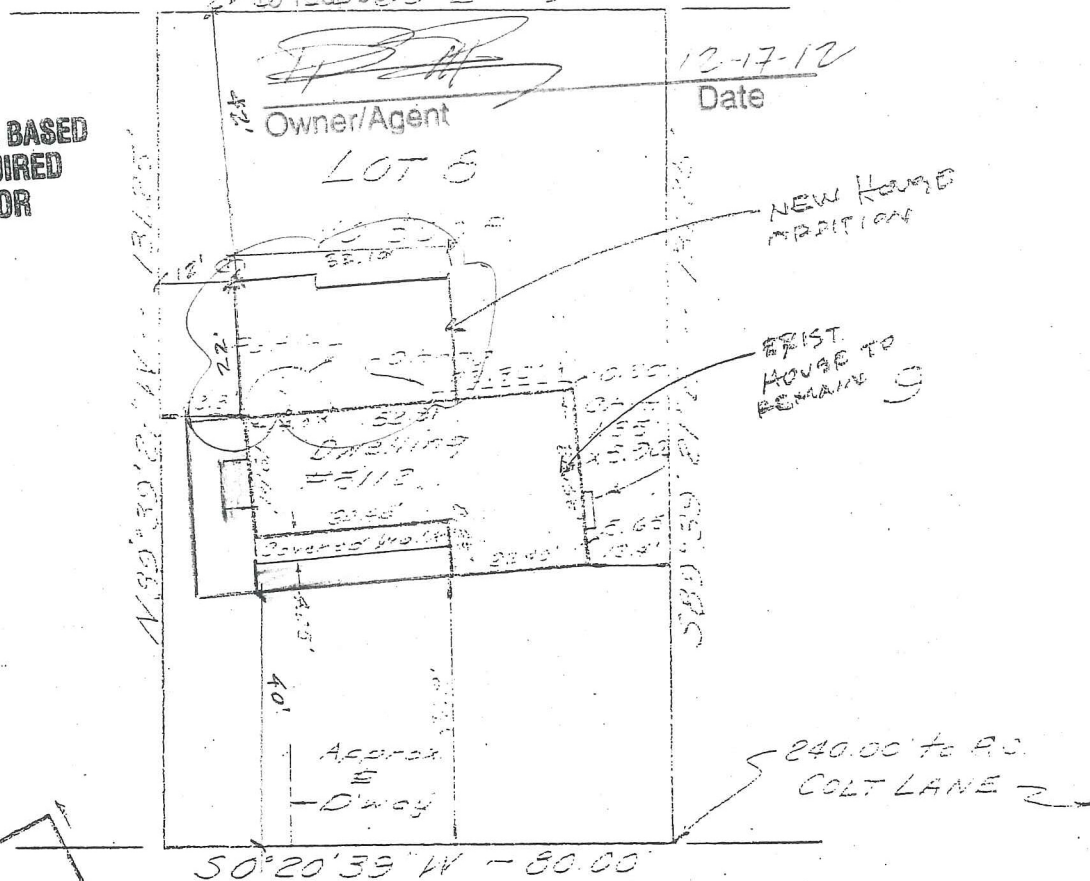
DETAILS COMMENTS:

build 1st floor addition to include sunroom and master suite and add 4' addition to existing front porch. shed 5x8 and 8' in height, ground level patio 5' from side lot line per plan

setback cert required for side and front yards

JOHN E. H. This Plat depicts the location, height and distances of all existing and proposed structures to respective lot lines.

7
A SETBACK CERTIFICATION BASED ON FIELD SURVEY IS REQUIRED PRIOR TO RUP ISSUANCE OR FINAL INSPECTION



RED FOX DRIVE 60' R/W.

HOUSE LOCATION
LOT 8 SECTION 1

RED FOX FOREST

FALLS CHURCH MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30'

DATE: Final: 4-18-83
Wall Ch: 7-26-88

GREENHORNE, O'MARA, DEWBERRY & NEALON
Civil Engineers & Land Surveyors
4010 Lee Highway, Arlington, Virginia, Ja 5-0713

Certified Correct:

Reference:

DB 5145 PO 547

Drawn by: R.L.

Checked by: J.C.

[Signature]

FINAL
APPROVAL

ZONING ADMINISTRATOR
DATE FEB 20 1984

APPROVED

unc. 12/1/12

[Signature]

Zoning Administrator
addition + front porch
extension

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914

Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.